

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**JUAN CARLOS ALONSO HIDALGO and
FLORENTINO ALONSO HIDALGO,
Individually, as co-Executors and Personal
Representatives of the Estate of Martha
Erika Alonso Hidalgo, et al.,**

Plaintiffs,

V.

**AGUSTA WESTLAND PHILADELPHIA
CORPORATION, *et al.*,**

Defendants.

Civil Action No. 2:20-cv-06393-RBS

STIPULATION SUPPLEMENTING ORDER OF DISMISSAL WITHOUT PREJUDICE

The parties have conferred, agreed and hereby stipulate that, pursuant to Fed. R. Civ. P. 59(e) and/or 60(a)-(b), the Court's February 1, 2024 Order, granting Defendants' motion to dismiss without prejudice is supplemented and subject to the following conditions:

1. Defendants Agusta Westland Philadelphia Corporation (“AWPC”) and Leonardo S.p.A. (“Leonardo”) consent and/or agree to submit to the jurisdiction of a Mexican court of appropriate venue and jurisdiction under Mexican law;

2. Defendants AWPC and Leonardo agree to accept service of process from a Mexican court of appropriate venue and jurisdiction under Mexican law;

3. Defendants AWPC and Leonardo agree to toll any statute of limitations and/or not raise any statute of limitations defense that might apply to any cause of action that was timely filed in this Court that is later refiled within 90 days of the Court's entry of this Stipulated Order by these Plaintiffs in a Mexican court of appropriate venue and jurisdiction under Mexican law;

4. Defendants AWPC and Leonardo agree to produce and make available in the action refiled by Plaintiffs in a Mexican court of appropriate venue and jurisdiction under Mexican law

all relevant evidence within their possession, custody, or control. This includes any documents produced confidentially or pursuant to any protective order of a United States court. The confidentiality of said documents will be maintained among the parties to the Mexican proceeding and the Mexican court in accordance with the Mexican courts' applicable rules and local procedures;

5. The parties herein will jointly request that the Mexican court where this case is re-filed enter a confidentiality order that provides the same protections as any protective orders entered in any other litigation arising out of the accident in question, including but not limited to the protective orders entered in the Georgia and North Carolina state courts.

6. Defendants AWPC and Leonardo agree to pay or cause to be paid any judgment awarded against them in a Mexican court of appropriate venue and jurisdiction under Mexican law subject to the Mexican court's rules on finality and the right of appeal;

7. Defendants AWPC and Leonardo agree that Plaintiffs may move to re-open this case in the United States District Court for the Eastern District of Pennsylvania if the Mexican courts reject, for jurisdictional or statute of limitations reasons, the subject matter of Plaintiffs' claims such that those courts are not an available alternative forum for Plaintiffs;

8. Defendants AWPC and Leonardo agree to abide fully by their obligations in the subsequent Mexican proceeding, and to make available in Mexico or a mutually agreeable location, all evidence necessary for a fair and just resolution of this case, including documents and witnesses.

9. If the action refiled by Plaintiffs in Mexico proceeds to a final resolution on the merits, whether by trial, appeal, settlement or otherwise (including but not limited to a dismissal

on the merits or a voluntary discontinuance), then the parties will file an amended stipulation with this Court dismissing this matter with prejudice.

Dated: March 5, 2024

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SO ORDERED.

s/ R. Barclay Surrick - 03/05/24

R. BARCLARY SURRICK, J.